UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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MAZZEO UNUM,

                  Plaintiff,   **1:11-cv-983**
                                             (GLS/RFT)

      v.

SOCIAL SECURITY
ADMINISTRATION et al.,

                  Defendants

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APPEARANCES: **OF COUNSEL:**

FOR THE PLAINTIFF:
Mazzeo Unum
Pro Se
25-30 South Swan Street
Albany, NY 12022

FOR THE DEFENDANTS
NO APPEARANCES

Gary L. Sharpe
District Court Judge

MEMORANDUM-DECISION AND ORDER

I. Introduction

Plaintiff _pro se_ Mazzeo Unum[1] brings this action under 42 U.S.C. §

1983, alleging his constitutional rights were violated by defendants Social

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[1] The Clerk is directed to correct the plaintiff's name in accordance with Judge
Treece's Report-Recommendation and Order (R&R). (_See_ R&R at 1 n.1, Dkt. No. 4.)

Security Administration, New York State Division of Human Rights, State of New York Commission on Judicial Conduct, and the United States Department of Housing and Urban Development. (*See* Am. Compl., Dkt. No. 7.) In a Report-Recommendation and Order (R&R) filed October 4, 2011, Magistrate Judge Randolph F. Treece recommended that plaintiff's Complaint be dismissed.[2] (*See generally* R&R, Dkt. No. 4.) Although afforded the opportunity to do so, plaintiff failed to file objections to the R&R; however, in lieu of objections, plaintiff filed a new application to proceed *In Forma Pauperis* (IFP)[3] and an Amended Complaint. (Dkt. Nos. 6, 7.) For the reasons that follow, the R&R is adopted in its entirety, plaintiff's motion to proceed IFP is granted, and his Amended Complaint is dismissed.

II. Standard of Review

Before entering final judgment, this court routinely reviews all report and recommendation orders in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's

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[2] The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

[3] The plaintiff's new application to proceed IFP is complete and cures the errors addressed in the R&R. As such, plaintiff's motion to proceed IFP (Dkt. No. 6) is granted.

findings and recommendations, this court reviews those findings and

recommendations *de novo. See Almonte v. N.Y. State Div. of Parole*, No.

04-cv-484, 2006 WL 149049, at *6-7 (N.D.N.Y. Jan. 18, 2006). In those

cases where no party has filed an objection, or only a vague or general

objection has been filed, this court reviews the findings and

recommendations of the magistrate judge for clear error. *See id.*

III. Discussion

As a threshold matter, the court notes that plaintiff did not file any

objections to the R&R. Having found no clear error in the R&R, the court

accepts and adopts Judge Treece's R&R in its entirety. Moreover, while

the R&R discussed the failure of the plaintiff's Complaint, the Amended

Complaint is similarly flawed. (*See* Dkt. No. 7.) Even with the liberal

construction afforded to plaintiff as a *pro se* litigant, the Amended

Complaint contains no factual allegations, and merely attempts to

incorporate by reference the claims alleged in a previous case, 09-cv-1420,

dismissed by Judge Kahn in March 2010. (*See* Am. Compl., Dkt. No. 7.)

Because the Amended Complaint fails to not only comply with Federal

Rules of Civil Procedure 8 and 10, but also is devoid of a cognizable claim

under 42 U.S.C. § 1983, it is dismissed.

IV. Conclusion

WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that Magistrate Judge Randolph F. Treece's October 4,

2011 Report-Recommendation and Order (Dkt. No. 4) is **ADOPTED** in its

entirety; and it is further

ORDERED that plaintiff's motion to proceed with this action *In Forma*

Pauperis (Dkt. No. 6) is **GRANTED**; and it is further
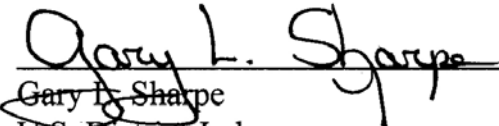
ORDERED that plaintiff's Amended Complaint (Dkt. No. 7) is

DISMISSED; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Memorandum-

Decision and Order to the parties by mail and certified mail.

IT IS SO ORDERED.

November 8, 2011
Albany, New York

Gary L. Sharpe
U.S. District Judge